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PATENT Docket No. GZ 2103.20 GZ Ref. 5036 US2

CERTIFICATE OF MAILING

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Examiner: Not Yet Assigned

Group Art Unit: 1645

In re Application for:

Charles A. NICOLETTE

Serial No.: 10/066,474

Filing Date: January 31, 2002

For: MART-1 COMPOUNDS FOR

THERAPY AND DIAGNOSIS AND METHODS FOR USING SAME

Commissioner for Patents Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO-1449a and PTO-1449b are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make these documents of record.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).

 with the new patent approximated note with (e) and its (a)).
Within three months after the filing date of the application or within three
months after the date of entry of the national stage of a PCT application as set
forth in 37 C.F.R. § 1.491.

\boxtimes	Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
This Informat	tion Disclosure Statement is filed:
	After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No.[] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.
This Information	tion Disclosure Statement is filed:
	After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.
The undersign	ned certifies that:
	Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
	No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
II. Copies of	the Cited Items:
	Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
	Copies of only the following items listed on the attached Form PTO-1449 are enclosed:
\boxtimes	Copies of the items listed in the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. 09/922,405 filed August 3, 2001 and relied upon in this

Serial No.: 10/066,474 Docket No.: GZ 2103.20 GZ Ref.: 5036 US2

		application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).
		Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.
III.	Concise	Explanation of Relevance:
	\boxtimes	A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
		A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).
IV.	Related	Applications:
		Applicants bring to the Office's attention the following related, co-pending application(s): U.S. Serial No.: 09/922,405, filed August 3, 2001 and PCT Application No. PCT/US01/24328 and PCT/US02/02944, filed August 3, 2001 and January 31, 2002, respectively.
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V. Conclusion:

Citation of the above documents shall not be construed as:

- 1. an admission that the documents are necessarily prior art with respect to the instant invention;
- 2. a representation that a search has been made, other than as described above; or
- 3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189, billing reference number: 19442-7252 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

Dated:

By:

Antoinette F. Konski

Registration No. 34,202

Bingham McCutchen LLP (formerly McCutchen Doyle Brown & Enersen LLP)

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PTO/SB/08A (10-01)

Approved for u.s. nrough 10/31/2002. OMB 0651-0031
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1

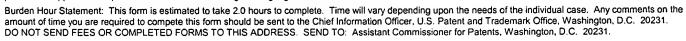
Comp	lete if Known				
Application Number 10/066,474					
Filing Date	January 31, 2002				
First Named Inventor	Charles A. NICOLETTE				
Art Unit	1645				
Examiner Name	Not Yet Assigned				
Attorney Docket Number	GZ 2103.20				

Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines,
Initials*	No. ¹	Number – Kind Code ² (if known)	MM-DD-YY	Application of Cited Document	Where Relevant Passages or Relevant Figures Appear
	1	US-4,683,195	07/28/87	Mullis et al.	
	2	US-4,683,202	07/28/87	Mullis	
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	6	US-5,837,249	11/17/98	Heber-Katz et al.	7104 8 0 6002
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		FOREIGN PAT	ENT DOCU	MENTS		
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	7	WO 96/23060	08/01/96	The Government of the United States of America		
	8	EP 0 702 082 A1	03/20/96	Hagiware et. al.		

Examiner's	Date	
Signature	Considered	

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.



^{*} EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO/SB/08B (10-01)

Approved for upper norough 10/31/2002, OMB 0651-0031

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Substitutes form 1449B-PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Compi	lete if Known		
Applicati n Numb r	10/066,474		
Filing Date	January 31, 2002		
First Named Inventor	Charles A. NICOLETTE		
Art Unit	1645		
Examiner Name	Not Yet Assigned		
Attorney Docket Number	GZ 2103.20		

Examiner	Cite ·	OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal,	T
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